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| TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING | Docket Number (Optional) | |
|--|--|-------------------|
| REJECTION OVER A PRIOR PATENT | 141-201 DECEN | |
| In re Application of: Chih-Ming Chen et al. | RECEI | VEL |
| Application No.: 09/763,831 | NOV 2 0 | เบบเ |
| Filed: July 11, 2001 | TEOU OFUTER | 1003 |
| For: Omeprazole Formulation | TECH CENTER 10 | 100/2 90 0 |
| The owner*, Andrx Pharmaceuticals 100 percent interest in the idisclaims, except as provided below, the terminal part of the statutory term of any patent granted which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. shortened by any terminal disclaimer, of prior Patent No. 6,096,340 . The owner her so granted on the instant application shall be enforceable only for and during such period that commonly owned. This agreement runs with any patent granted on the instant application and is its successors or assigns. | 154 and 173, as pres ntly eby agrees that any patent it and the prior patent are | |
| In making the above disclaimer, the owner does not disclaim the terminal part of any p application that would extend to the expiration date of the full statutory term as defined in 35 prior patent, as presently shortened by any terminal disclaimer, in the event that it later: maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexaminatio is in any manner terminated prior to the expiration of its full statutory term as presently disclaimer. | U.S.C. 154 and 173 of the expires for failure to pay a is statutorily disclaimed in n certificate, is reissued, or | |
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| 2. The undersigned is an attorney or agent of record. | Hoden Sy 13, 2003 | |
| Signature | Date | |
| Martin P. Endres, Regist | ration No. 35,498 | |
| Typed or prin | ted name | |
| (212) 302-8 | 989 | |
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| Terminal disclaimer fee under 37 CFR 1.20(d) included. | | |
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| 2. The undersigned is an attorney or agent of record. | Nevember 13, 2003 | |
| Signature | Date | |
| Martin P. Endres, Reg | istration No. 35,498 | |
| • | Typed or printed name | |
| (212) 302 | (212) 302-8989 | |
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